

2015 Annual Report

WESTCHESTER COUNTY CLERK



Timothy C. Idoni
Westchester County Clerk



Timothy C. Idoni
Westchester County Clerk

February, 2016

Honorable Robert Astorino
County Executive

Honorable Members of the
Westchester County Legislature

Honorable Colleagues:

I hereby submit the Annual Report of the Office of the Westchester County Clerk for fiscal year 2015. The duties of the County Clerk are mandated by the New York State Constitution and by state and local law. These duties are carried out by a dedicated staff that works diligently to serve the public.

The work of the Office of the Westchester County Clerk impacts the lives of residents and businesses throughout our county. Every deed, mortgage, civil or criminal court record, judgment, business certificate or incorporation, and pistol license is filed or recorded in the Office of the Westchester County Clerk.

The Office of the Westchester County Clerk collected \$176,967,999.32 in revenue for 2015, of which \$27,662,046.65 was turned over to the county. The expenditures for the operation of the County Clerk's Office in 2015, totaling \$6,715,856.79, are more than offset by the \$9,112,610.06 in departmental fees collected.

Our office collects fees on behalf of numerous federal and state agencies, and paid out the following 2015 revenue:

- \$59,173,689.13 to the New York State Department of Taxation and Finance for transfer tax
- \$35,336,977.10 to the Metropolitan Transit Authority for mortgage tax
- \$6,285,655.33 to the Office of Court Administration for court filing fees
- \$3,869,489.16 to the State of New York Mortgage Agency for mortgage tax
- \$1,901,438.00 to the New York State Office of Real Property Tax Services
- \$1,436,001.00 to the New York State Commissioner of Education for the Cultural Education Fund
- \$478,738.25 to the New York State Commissioner of Education for the Records Management Improvement Fund
- \$154,360.00 to the New York State Department of State for Notary Public renewals

submission of records throughout the office. By the end of the year over sixty percent of land records, such as deeds and mortgages, were being submitted to the office electronically as part of a voluntary eRecording initiative. In addition, over eighty-four percent of civil cases were commenced electronically, either pursuant to state mandate, or voluntarily in the case of matrimonial actions.

The Office of the Westchester County Clerk reached a significant milestone in its effort to reduce storage needs in 2015 when space in an interim storage facility in Elmsford was completely vacated. An operational restructuring also resulted in the creation of a unit dedicated to transitioning from reliance on paper court records to images of court records.

Fueled by the successful promotion of a New York City initiative to encourage residents to obtain identification cards in combination with the encouragement of the Westchester County Board of Legislators' Hispanic Affairs Task Force, the Office of the Westchester County Clerk saw a three thousand seven hundred and twenty-six percent increase in the issuance of Westchester County Identification Cards in 2015.

As we enter the new year, my goals for the office of the Westchester County Clerk continue to include improving service through technology, increasing productivity through professional management, and facilitating commerce throughout the county.

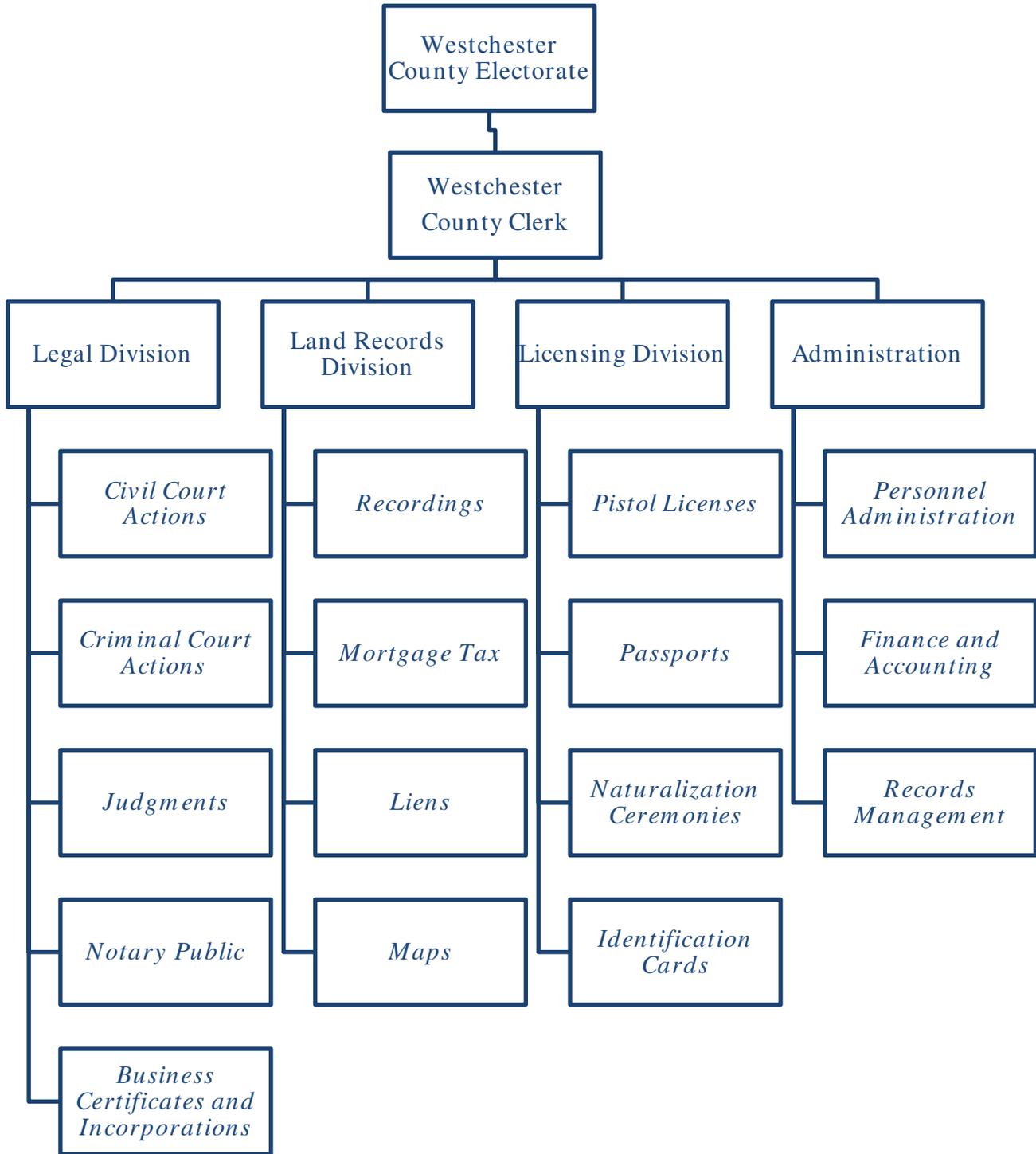
I want to thank the County Executive and the County Legislature for continuing to provide sufficient resources to allow the Office of the Westchester County Clerk to meet its mandates and fulfill its fiduciary responsibilities on behalf of the residents of Westchester County.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy C. Idoni". The signature is written in a cursive, flowing style.

Timothy C. Idoni
Westchester County Clerk

Office of the Westchester County Clerk Organizational Chart



Services Provided By the Office of the Westchester County Clerk

Land Records Division

- Recording land records including deeds, mortgages, assignments, and satisfactions
- Filing of subdivision maps
- Collection and processing of New York State Mortgage Tax
- Filing of Uniform Commercial Code Statements, Federal Tax Liens, Notices of Common Charges and other federal liens
- Provision of certified copies of all recordings and filings

Legal Division

- Fee collection and filing of court records for Supreme Court and Westchester County Court
- Administration of Notary Public and Commissioner of Deeds licenses
- Administration of the Domestic Partnership Registry
- Filing of Business Certificates and Incorporation records from New York State
- Filing of Small Claims Assessment Review Petitions
- Filing of Veterans Military Discharge Papers
- Provision of certified copies of all filings

Licensing Division

- Processing of United States Passport Applications
- Administration of Pistol Licenses
- Issuance of Westchester County Identification Cards
- Administration of Oath of Allegiance to newly naturalized United States citizens

Administration

- Subscription Service Online Access to land records, legal records, foreclosure lists, judgments, liens, and other business records
- Financial Reporting to partners in federal, state and county government
- Administering and Filing of Oaths of Office

Office of the Westchester County Clerk

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2015

County Clerk Fees Collected:

Land Records Division		
Recording Fees	\$5,827,045.20	
Real Property Transfer Report Fee	\$133,812.00	
Legal Division		
Filing Fees	\$1,375,491.75	
DWI Surcharges	\$130,675.00	
Criminal Fines	\$38,899.35	
Licensing Division		
Filing Fees	\$303,913.00	
Interest	\$854.86	
Other (Online Access, Copiers)	<u>\$446,344.90</u>	\$8,257,036.06

Mortgage Tax Collected:

Paid to Westchester County		
Westchester County Mortgage Tax	\$18,396,877.74	
Local Mortgage Tax	\$36,668,574.40	
Yonkers Mortgage Tax	\$4,001,030.30	
Reimbursement for Processing Costs	\$991,465.81	
Interest, County Portion	\$2,030.06	
Paid to Metropolitan Transit Authority	\$35,336,977.10	
Paid to State of New York Mortgage Agency	<u>\$3,869,489.16</u>	\$99,266,444.57

New York State Real Estate Transfer Tax Collected:

Paid to Westchester County		
Recording Officer's Fee	\$12,787.25	
Interest, County Portion	\$1,849.73	
Paid to the Department of Taxation and Finance	<u>\$59,173,689.13</u>	\$59,188,326.11

New York State Court Revenue Collected:

Paid to the Unified Court System		\$6,285,655.33
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Notary Public Revenue, New York State Portion Collected:

Paid to the New York State Department of State		\$154,360.00
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Records Management Improvement Fund Collections:

Paid from Court Filings	\$108,357.00	
Paid from Land Recordings	\$370,381.25	

Cultural Education Fund Collections:

Paid from Court Filings	\$324,857.25	
Paid from Land Recordings	<u>\$1,111,143.75</u>	\$1,914,739.25

Equalization and Assessment Fees Collected:

Paid to the New York State Office of Real Property Tax Services		<u>\$1,901,438.00</u>
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2015 Totals Collected and Disbursed:

\$176,967,999.32

Land Records Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2015

Conveyances:	<u>Fee</u>	<u>No Fee</u>	<u>Rec. Mgmt</u>	<u>County Share</u>
Assignment of Lease and Rents	813	0	\$15,447.00	\$65,758.50
Contract	19	0	\$361.00	\$1,159.00
Declaration	287	18	\$5,453.00	\$20,752.00
Dedication	1	0	\$19.00	\$41.00
Deed	14,698	21	\$279,262.00	\$622,653.00
Deed Agreement	119	1	\$2,261.00	\$9,010.50
Deed, Correction	170	0	\$3,230.00	\$7,386.50
Easement	231	14	\$4,389.00	\$18,168.50
Lease Agreement	1,138	0	\$21,622.00	\$50,713.00
Letters of Patent	2	0	\$38.00	\$97.00
Release of Lien of Estate Tax	98	5	\$1,862.00	\$3,080.50
Release of Mortgage	597	0	\$11,343.00	\$29,839.50
 Mortgages:				
Assignment of Mortgage	8,359	20	\$158,821.00	\$315,692.00
Mortgage	19,823	47	\$376,637.00	\$2,136,942.00
Mortgage Agreement	1,135	4	\$21,565.00	\$65,034.50
Mortgage, Correction	93	1	\$1,767.00	\$11,233.00
Registered Agreement	6,552	3	\$124,488.00	\$1,064,900.00
 Satisfactions of Mortgage:				
Satisfactions of Mortgage	18,899	9	\$359,081.00	\$913,803.50
 Miscellaneous:				
Affidavit	16	0	\$304.00	\$746.00
Agreement	28	0	\$532.00	\$1,923.00
Certificate	3	0	\$57.00	\$108.00
Commitment	1	0	\$19.00	\$36.00
Judgment	10	0	\$190.00	\$680.00
Negative Pledge Agreement	1	0	\$19.00	\$46.00
Order	69	0	\$1,311.00	\$3,244.00
Power of Attorney	4,805	4	\$91,295.00	\$268,850.00
Power of Attorney, Revocation	3	0	\$57.00	\$93.00
Statement Identifying Property	5	0	\$95.00	\$185.00
 Other:				
Cross-References Entered	85,285	0	\$0.00	\$42,642.50
Transfer Tax Return Filing Fee	15,359	0	\$0.00	\$76,795.00
Mortgage Tax Affidavit Filing Fee	9,404	0	\$0.00	\$47,020.00
 Customer Service:				
Certified Copies, Copies, Searches	4,316	0	\$0.00	\$43,612.70
Map Copies	735	0	\$0.00	\$4,800.00
 2015 Land Records Division Total:			<u>\$1,481,525.00</u>	<u>\$5,827,045.20</u>

Legal Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2015

	<u>Cost</u>	<u>Fee</u>	<u>No Fee</u>	<u>State Share</u>	<u>County Share</u>
Business Filings					
Business Certificates	\$25.00	2,172	244	\$0.00	\$54,300.00
Incorporations from NYS	Varies	10,770	30	\$0.00	\$94,257.00
Religious Corporations	\$25.00	39	0	\$0.00	\$975.00
Certified Papers					
Certified Copies	\$5.00	15,535	0	\$0.00	\$77,675.00
Commissions	\$5.00	556	0	\$0.00	\$2,780.00
Executions	\$5.00	410	0	\$0.00	\$2,050.00
Exemplifications	\$10.00	309	0	\$0.00	\$3,090.00
Matrimonial Dissolutions	\$5.00	2,617	36	\$0.00	\$13,085.00
Transcripts Issued	\$5.00	366	6	\$0.00	\$1,830.00
Veteran's Permits	\$0.00	0	3	\$0.00	\$0.00
Court Fees					
Commencements (Index Numbers)	\$210.00	19,813	557	\$3,645,592.00	\$515,138.00
Foreclosure Surcharge	\$190.00	1,921	0	\$364,990.00	\$0.00
Judgment Transcripts Filed	\$10.00	2,331	4,604	\$0.00	\$23,310.00
Judgments Entered	\$45.00	3,043	355	\$136,935.00	\$0.00
Jury Demand	\$65.00	1,224	0	\$79,560.00	\$0.00
Liens/ Small Liens	Varies	4,233	2	\$56,696.00	\$62,597.00
Motion	\$45.00	8,674	162	\$390,330.00	\$0.00
Note of Issue	\$30.00	5,868	64	\$176,040.00	\$0.00
Notice of Appeal	\$65.00	754	49	\$49,010.00	\$0.00
Order to Show Cause	\$45.00	2,646	52	\$119,070.00	\$0.00
Request for Judicial Intervention	\$95.00	11,775	737	\$1,118,625.00	\$0.00
Separation Agreement	\$5.00	47	0	\$0.00	\$235.00
Small Claims Assessment Review	\$30.00	5,522	0	\$138,050.00	\$27,610.00
Stipulation	\$35.00	8,078	28	\$282,730.00	\$0.00
Subpoenas	\$20.00	47	2	\$0.00	\$940.00
Criminal Fines and Civil Sanctions:					
Criminal Fines	Varies	30	0	\$0.00	\$38,899.35
Felony Surcharge	Varies	275	0	\$79,805.33	\$0.00
Misdemeanor Surcharge	Varies	66	0	\$11,302.00	\$0.00
Violation Surcharge	Varies	57	0	\$5,433.00	\$0.00
Sex Offender Registration	\$50.00	13	0	\$650.00	\$0.00
DNA Data Bank Registration	\$50.00	332	0	\$16,600.00	\$0.00
Crime Victims Assistance Fee	Varies	394	0	\$9,785.00	\$0.00
Supplemental Sex Offender	\$1,000.00	12	0	\$12,000.00	\$0.00
Criminal Penalty for DWI	Varies	125	0	\$24,455.00	\$0.00
Criminal Fine for DWI	Varies		0	\$0.00	\$130,675.00
Sanctions	Varies	1	0	\$1,000.00	\$0.00
	<u>Cost</u>	<u>Fee</u>	<u>No Fee</u>	<u>State Share</u>	<u>County Share</u>

Archived File - Not ADA Compliant

Domestic Partnership Registry

New Filings	\$25.00	168	0	\$0.00	\$4,200.00
Amendments	\$25.00	1	0	\$0.00	\$25.00
Terminations	\$25.00	26	0	\$0.00	\$650.00

Liens

Uniform Commercial Code Filings	\$20/\$40	7,789	0	\$0.00	\$253,740.00
Federal Tax Liens	\$40.00	2,241	0	\$0.00	\$89,620.00
Other Federal Liens	\$7.00	73	0	\$0.00	\$511.00
Common Charge Notices	\$5.00	384	0	\$0.00	\$1,920.00
Lien Copies	Varies	342	0	\$0.00	\$803.00
Lien Searches	\$25.00	1	0	\$0.00	\$25.00

Notary Public Administration

Authentication of Notaries Public	\$3.00	8,003	0	\$0.00	\$24,009.00
Character Cards Filed	\$10.00	179	0	\$0.00	\$1,790.00
Character Cards Issued	\$5.00	601	0	\$0.00	\$3,005.00
Notary Public Renewals	\$60.00	4,350	0	\$154,360.00	\$104,280.00

Reports

Business Filing Report	\$20.00	2	0	\$0.00	\$40.00
Foreclosure Filing Report	\$20.00	55	0	\$0.00	\$1,100.00
Judgment/ Lien Report	\$30.00	3	0	\$0.00	\$90.00

Other Filings and Services

Varies	1,560	0	<u>\$211.25</u>	<u>\$9,811.75</u>
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2015 Total Legal Division:

\$6,873,229.58 \$1,545,066.10

Licensing Division

Total Funds Collected and Distributed for Fiscal Year Ending December 31, 2015

	<u>Fee Count</u>	<u>No Fee</u>	<u>Cost</u>	<u>Total</u>	
Passport Fees Collected:					
Processing Fees	6,065	0	\$25.00	\$151,625.00	
Photo Fees	5,030	0	\$10.00	\$50,300.00	
Photo Fees (Senior)	387	0	\$7.00	\$2,709.00	
Miscellaneous				<u>\$2.35</u>	\$204,636.35
Pistol License Administration:					
New Applications	645	0	\$10.00	\$6,450.00	
Amendments	3,448	0	\$3.00	\$10,344.00	
Recertifications	2,630	545	\$10.00	\$26,300.00	
Dealer/ Gunsmith	4	0	\$10.00	\$40.00	
Transfers	151	0	\$5.00	\$755.00	
Photo Fees	772	0	\$10.00	\$7,720.00	
Replacement	33	0	\$5.00	\$165.00	
Miscellaneous				<u>\$1.50</u>	\$51,775.50
Naturalization Ceremony Administration:					
Ceremony Administration Fees				\$38,897.15	
Certified Petitions	41	0	\$5.00	\$205.00	
Certified Letters	3	0	\$5.00	<u>\$15.00</u>	\$39,117.15
Westchester County Identification Cards:					
Cards Issued	1,048	0	\$8.00	<u>\$8,384.00</u>	<u>\$8,384.00</u>
2015 Licensing Division Total:					<u><u>\$303,913.00</u></u>

Operating Budget

2015/2016 Comparison

	<u>2015</u>	<u>2016</u>
Positions		
Operating Budget	72	72
Operating Budget Expenditures		
Personal Services	\$4,517,093	\$4,512,975
Equipment	\$5,976	\$5,810
Materials & Supplies	\$157,500	\$157,500
Expenses	\$516,857	\$466,930
Inter-Departmental Charges	<u>\$1,889,578</u>	<u>\$1,732,880</u>
	\$7,087,004	\$6,876,095
Operating Budget Revenues		
Departmental	<u>\$8,780,964</u>	<u>\$9,075,282</u>
Department Tax Levy	(\$1,693,960)	(\$2,199,187)

2015 Department Initiatives and Accomplishments

- ✓ **eSolutions Bring Efficiency for Westchester Customers:** The Office of the Westchester County Clerk continues to be a leader in capturing the benefits that technology has to offer. In our Land Records Division, documents such as deeds and mortgages can be recorded and paid for electronically, allowing interests to be secured more quickly and efficiently. By the end of 2015, over sixty percent of the documents submitted to the Land Records Division were submitted electronically as part of a voluntary eRecording program. In our Legal Division, over eighty percent of our 2015 civil cases were commenced electronically through the New York State Courts Electronic Filing (NYSCEF) System. The NYSCEF System also helps our office process documents and transmit them to our partners in the New York State Supreme Court. Finally, our online library of documents available via Westchester Records Online continues to grow, allowing people who want to do business in the county to have quick and easy access to public documents and information.

- ✓ **Storage Space Reduction:** The Westchester County Clerk serves as the Clerk of the Supreme and County Courts and in that role is required to retain court records for their full retention period which can range from a few years to permanent retention. Historically, these court records remained on site in our White Plains office for five years. After five years, court records were transferred to an interim storage facility in Elmsford for another five years. Once court records reached the age of ten years, they were transferred to the County Records Center. The Office of the Westchester County Clerk has worked in conjunction with the Office of Court Administration to develop a program that allows us to designate a scanned image of a court record as the record copy of the document for the purpose of records retention. This program, which we refer to as “document destruction”, allowed us to relinquish all of our space in our interim storage facility in Elmsford in 2015, resulting in a permanent savings of over thirty-four thousand dollars (\$34,000) per year. Further, the volume of documents we will send to the County Records Center on an annual basis has been reduced by over ninety percent saving approximately ten thousand dollars (\$10,000) which compounds annually. Retaining scanned images rather than hard copy court records has allowed us to reduce long-term storage costs while transitioning storage space to other county departments. In addition, with records access greatly improved, staff and customer travel is often reduced, benefitting the environment.

- ✓ **Smart Budgeting Contributes to Reduction in County Tax Levy:** A declining real estate market has brought with it declining revenue in the Office of the Westchester County Clerk. However, the office continues to collect revenue in excess of expenses due to continuing efforts to reduce the cost of the office. Our staffing remains lean, having been reduced by thirty-four percent (34%) over the last ten years. Our cumulative savings resulting from position cuts over the last decade totals over five million dollars.

- ✓ **Licensing Capital Project:** A capital project to upgrade the computer applications used by staffers in our Licensing Division continued in 2015. The new system will support the processing of applications, amendments and recertifications of pistol licenses. In addition, it will support the issuance of Westchester County Identification Cards, the processing of United States Passport Applications, and our role in the Naturalization of new citizens. While the Trades Licensing function was moved to the Department of Consumer Protection on January 1, 2015, our project includes the upgrade of the application supporting trades licensing.
- ✓ **Electronic Recording:** Gone are the days of months-long delays when recording land documents. Electronic recording allows customers to submit land records such as deeds and mortgages to the Office of the Westchester County Clerk electronically by scanning and uploading an image of each document rather than sending in the hard copy document. Electronic recording has been a tremendous success in Westchester County, shortening recording times from days to hours. Errors are corrected more quickly, often in the same day. Document control is improved as original documents are retained by the submitter and cannot be lost or misplaced during transit to and from a recording office. Customers who choose to electronically record no longer pay the cost of postage, overnight mail or courier charges. The County Clerk's Office has eliminated the cost of mailing back rejected and recorded documents, as well as the costs associated with scanning documents. By the end of 2015, over sixty percent of our documents were being submitted electronically through this voluntary alternative to submitting paper documents.
- ✓ **Mobile Passport Office Tours the County:** Our mobile office visits each city and town in Westchester County so that residents are able to apply for a United States Passport close to home. Our mobile office is staffed by a passport agent who is authorized to accept applications and can answer questions about applications and renewals. In addition, our mobile office driver is available to take passport photos. In 2015, over nine hundred passport applications were accepted in our mobile office. Our staffers enjoy helping families who often find it more convenient to travel to our mobile office than to downtown White Plains. In addition, with local post offices reducing or eliminating passport processing hours, residents are seeking this service. Weekend and evening hours are popular with residents whose work schedule makes it hard to visit our office during regular business hours.
- ✓ **Foreclosure Data Captured and Shared to Assist Homeowners in Need:** The Office of the Westchester County Clerk continues to capture information from foreclosure cases aimed at providing Westchester County with the data they need to secure funds to assist residents impacted by the foreclosure crisis. While 2015 saw a reduction in the number of new foreclosure filings, the number of judgments entered soared. The Westchester County Clerk is the Clerk of the Westchester County Supreme Court where foreclosure cases are heard.

2

The number of facilities the County Clerk stores its records in, down from three facilities at the beginning of 2015. The goal of vacating the storage area at 375 Executive Boulevard in Elmsford was achieved. Over the past eighteen months, five years' worth of court records have been moved out of the facility and the storage space has been turned over to the county so that it can be used by another department.

+8.5%

The increase in passports processed in 2015 resulting from a reduction in passport processing hours offered by local post offices. Our knowledgeable staff assists applicants of all ages in our White Plains office and out of our mobile office which visits communities throughout Westchester County.

62%

By the end of 2015, over sixty-two percent (62%) of all land records, such as deeds and mortgages, were submitted electronically to the Office of the Westchester County Clerk. Each month this voluntary program continues to grow and is paying huge dividends for both our office and the public.

84%

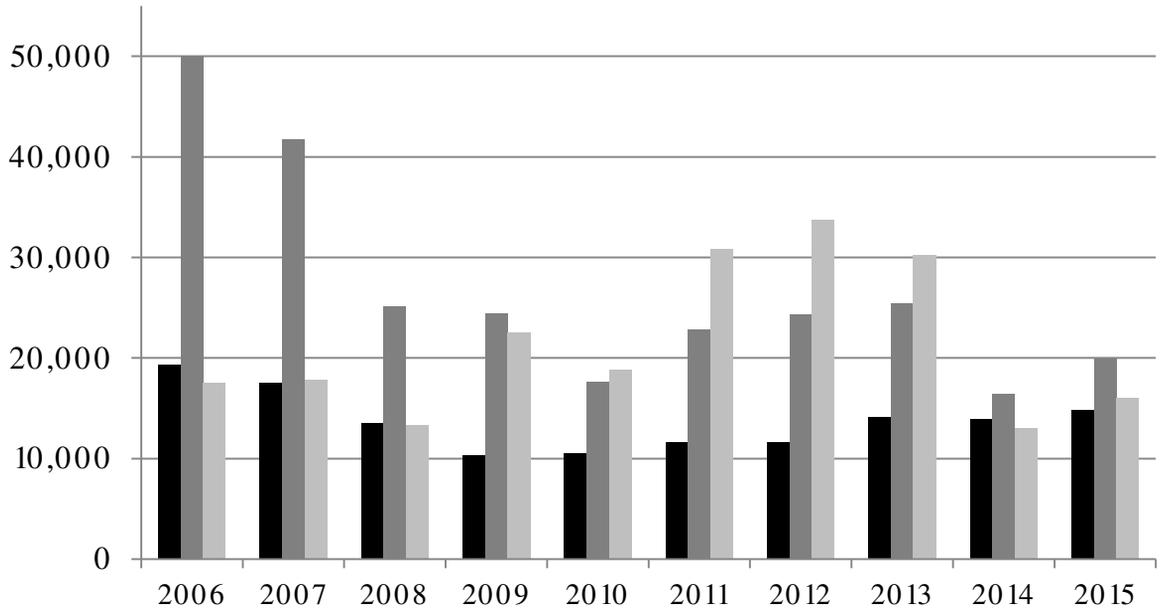
In 2015, over eighty-four percent (84%) of all civil actions were commenced electronically in Westchester County. In recognition of Westchester County's leadership, County Clerk Idoni was invited by the Office of Court Administration to Chair the newly created Supreme Court (Civil) E-Filing Advisory Committee.

10,000 +

On average in 2015, over ten thousand (10,000) individual searches are conducted each day on Westchester Records Online which is home to the County Clerk's land records, liens, and public court filings. Customers can search easily and efficiently from their home or office, rather than traveling to White Plains to view public records.

Indicators from our Land Records Division

Deeds, Mortgages & Mortgage Papers Recorded



Highest 2015 Conveyance Amounts

1 Pepsi Way, Somers • \$86,964,200 • Recorded March 27, 2015

275 Main/ 1 North Broadway/ 445 Hamilton, White Plains • \$80,320,000 • Recorded May 28, 2015

555 Saw Mill River Road, Greenburgh • \$73,000,000 • Recorded May 5, 2015

Highest 2015 Mortgage Tax Payments

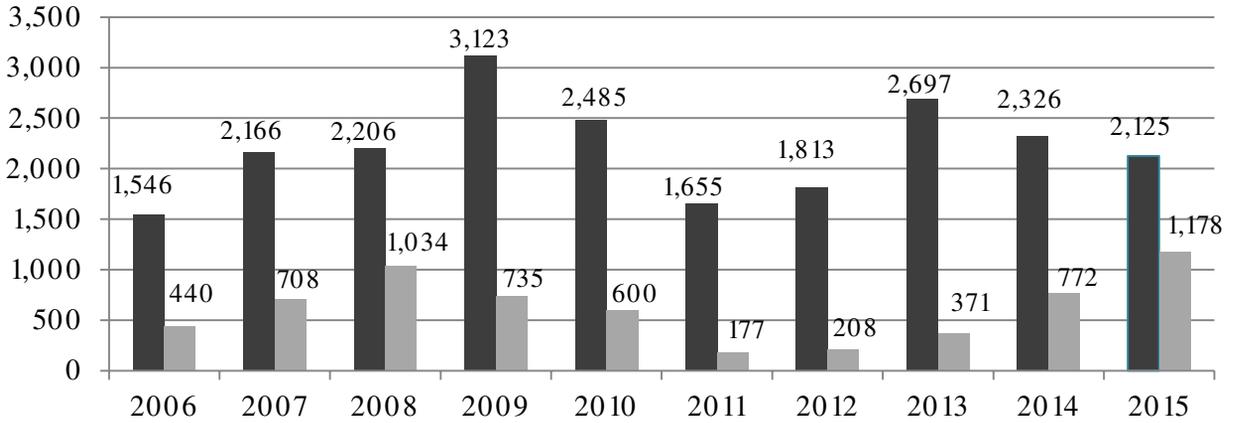
750 White Plains Road, Eastchester • \$1,316,900 (\$253,250 County Portion) • Recorded August 7, 2015

323 Tuckahoe Road & 10-80 Hermann Place, Yonkers • \$1,045,391.40 (\$145,193.25 County Portion) • Recorded July 28, 2015

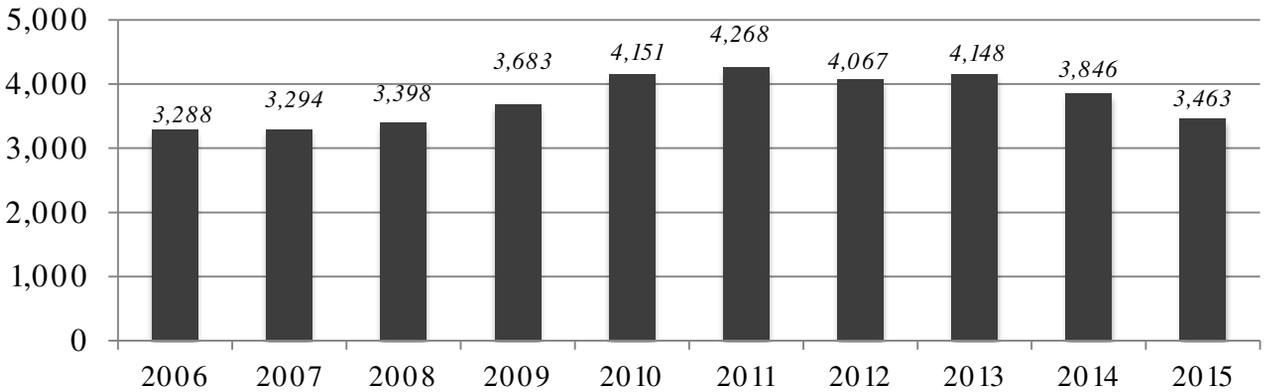
Properties including 1,2 & 20 Beaumont, 2202 & 2238 Central Park Avenue, Yonkers • \$866,700 (\$120,375 County Portion) • Recorded November 9, 2015

Indicators from our Legal Division

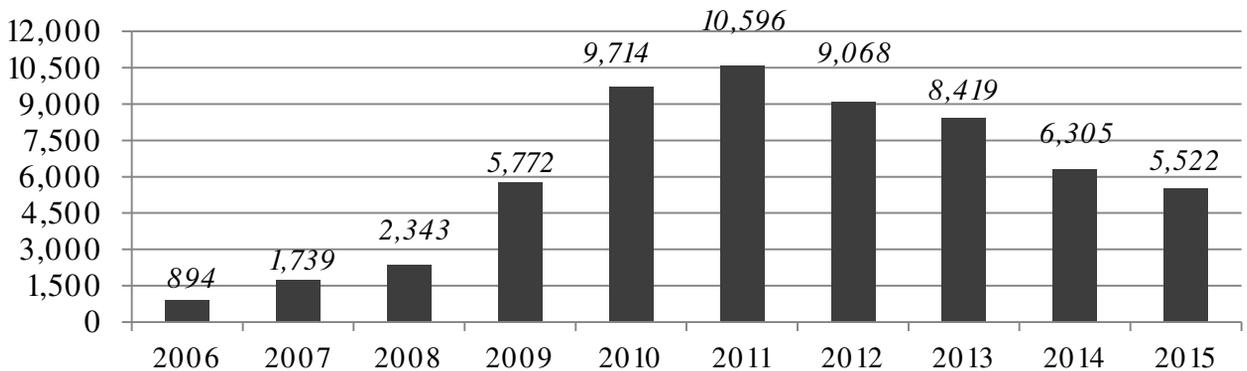
Foreclosure Filings and Judgments



Tax Certiorari Proceedings Commenced



Small Claims Assessment Review Petitions Filed



2015 Community Outreach

